



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 26 2013

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Gerry McCoige  
Facilities Manager  
Polygon Company  
103 Industrial Park Drive  
Walkerton, Indiana 46574

Dear Mr. McCoige:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Polygon Company (you or Polygon) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you have violated the Indiana State Implementation Plan at your Walkerton, Indiana facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil action.

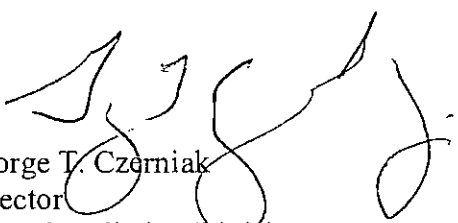
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Kushal Som. You may call him at (312) 353-5792, if you wish to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

EPA hopes that this NOV will encourage Polygon's compliance with the requirements of the Clean Air Act.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

cc: Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management

Enclosures: Notice of Violation EPA-5-13-IN-14

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**Polygon Company  
Walkerton, Indiana**

Proceedings Pursuant to  
Section 113(a)(1) of the  
Clean Air Act, 42 U.S.C.  
§ 7413(a)(1)

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) **NOTICE OF VIOLATION**  
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) **EPA-5-13-IN-14**  
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**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency is issuing this Notice of Violation (NOV) under Section 113(a)(1) of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Polygon Company (you or Polygon) has violated the federally-enforceable and applicable provisions of the Indiana State Implementation Plan (SIP) as follows:

**Statutory and Regulatory Background**

**Clean Air Act**

1. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA for approval a SIP that provides for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards.
2. Section 113(a) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan, regulation, or permit.

**Indiana SIP Requirements**

**A. Opacity Requirements**

3. On July 16, 2002, EPA approved revised opacity rules set forth in the Indiana Administrative Code at Ind. Admin. Code tit. 326, r. 5-1 to 5-5, as part of the SIP for the State of Indiana. *See* 67 Fed. Reg. 46589. The federally-enforceable requirements of Ind. Admin. Code tit. 326, r. 5-1 to 5-5 are set forth in the Indiana SIP at 326 IAC 5-1.
4. The Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-2(2)(A)] requires that opacity shall not exceed an average of forty percent (40%) in any one six-minute averaging period for sources not listed in the Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-1(c)].

## **B. Federally Enforceable State Operating Permit Requirements**

5. On June 28, 1989, EPA promulgated five criteria for approving a state operating permit program for the purpose of issuing federally-enforceable state operating permits (FESOPs) limiting criteria pollutants as part of a SIP. *See* 54 Fed. Reg. 27274, 27282.
6. On October 25, 1994, the Indiana Department of Environmental Management (IDEM) submitted to EPA a proposed revision to the Indiana SIP establishing a FESOP program in Indiana.
7. On August 18, 1995, EPA approved Indiana's FESOP program as part of the federally-enforceable Indiana SIP. *See* 60 Fed. Reg. 43008. Indiana's FESOP program is codified at Ind. Admin. Code tit. 326, r. 2-8-1 through 2-8-17, and set forth in the Indiana SIP at 326 IAC 2-8-1 through 2-8-17.
8. Pursuant to the Indiana SIP at 326 IAC 2-8-2, a source required by the Indiana SIP at Ind. Admin. Code tit. 326, r. 2-7-2(a) to have a Part 70 permit (Indiana's federally-approved Title V operating permit program) may apply to IDEM for a FESOP.
9. The Indiana SIP at 326 IAC 2-8-4(1) requires that all FESOPs contain emission limitations and standards assuring compliance with all applicable requirements in effect at the time of the FESOP issuance.
10. Pursuant to the Indiana SIP at 326 IAC 2-8-6(b), EPA may enforce all terms and conditions in a FESOP, including any provisions designed to limit a source's potential to emit.
11. Pursuant to 40 C.F.R. § 52.23, a person who fails to comply with any permit limitation or condition contained within a permit to operate issued under an EPA-approved regulatory program that is incorporated into a SIP violates the SIP, and is subject to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

### **Polygon's Facility**

12. Polygon owns and operates a resin fiberglass manufacturing facility located at 103 Industrial Park Drive, Walkerton, Indiana (Facility). The Facility includes a plant building located on Tennessee Street in Walkerton (the Tennessee Street plant).
13. Polygon operates five natural gas-fired ovens at the Tennessee Street plant, identified as Gas Ovens #1 through 5, which heat resin-coated fiberglass parts. All five ovens do not utilize add-on air pollution controls.
14. On April 25, 2008, IDEM issued FESOP No. F141-25464-00062 (Polygon's FESOP) to Polygon for the Facility.

15. Part C.3 of Polygon's FESOP incorporates the opacity limit set forth in the Indiana SIP at 326 IAC 5-1 [Ind. Admin. Code tit. 326, r. 5-1-2(2)(A)], requiring Polygon to limit opacity emissions at its entire source to an average of forty percent (40%) in any one six-minute averaging period.

#### **Violations**

16. On June 14, 2013, EPA issued to Polygon an information request pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, requiring the company, among other things, to test a representative oven at the Tennessee Street plant.
17. On August 7 and 8, 2013, a certified observer hired by Polygon read opacity at the Facility's Gas Oven #3 in accordance with 40 C.F.R. Part 60, Appendix A, Reference Method 9. The observer read opacity above 40 percent, over a six-minute average. The observer's readings are shown in Attachment 1 to this NOV.
18. The Facility's opacity emissions from the Facility violate the opacity limit in 326 IAC 5-1 and Part C.3 of Polygon's FESOP.
19. Polygon's failure to comply with the opacity limit established in Polygon's FESOP violated the Indiana SIP and CAA Section 113.

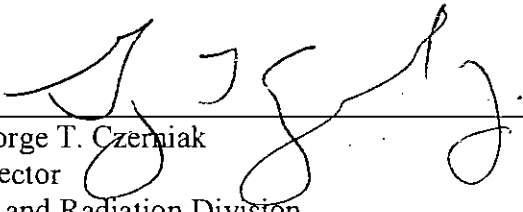
#### **Environmental Impact of Violations**

20. Violation of opacity standards increases public exposure to unhealthy particulate matter. The Tennessee Street plant is located within 0.3 miles of the Harold C. Urey Middle School. The middle school has an enrollment of approximately 300 students.
21. Particulate matter, especially fine particulates, contains microscopic solids or liquid droplets that can deeply penetrate human lungs and cause serious health problems.

22. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

9/26/13  
\_\_\_\_\_  
Date

  
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George T. Czerniak  
Director  
Air and Radiation Division

## Attachment 1

Project Number: M133207  
 Facility: Polygon Composites  
 Location: #3 Oven Stack  
 Date: 8/7/2013  
 Run #: 1  
 Time: 14:25

X	0	15	30	45	Notes	X	0	15	30	45	Notes
0	20	25	20	15	14:25	30	0	0	0	0	14:54
1	30	20	25	30	14:26	31	0	0	0	0	14:55
2	40	30	30	25	14:26	32	0	0	0	0	14:56
3	20	30	45	35	14:27	33	0	0	0	0	14:57
4	45	40	30	50	14:28	34	0	0	0	0	14:58
5	35	50	45	50	14:29	35	0	0	0	0	14:59
6	45	55	35	50	14:30	36	0	0	0	0	15:00
7	35	55	55	55	14:31	37	0	0	0	0	15:01
8	50	45	45	50	14:32	38	0	0	0	0	15:02
9	60	45	60	60	14:33	39	0	0	0	0	15:03
10	55	45	55	60	14:34	40	0	0	0	0	15:04
11	55	60	60	70	14:35	41	0	0	0	0	15:05
12	55	65	50	60	14:36	42	0	0	0	0	15:06
13	55	60	60	45	14:37	43	0	0	0	0	15:07
14	45	40	35	45	14:38	44	0	0	0	0	15:08
15	55	35	45	45	14:39	45	0	0	0	0	15:09
16	50	35	50	50	14:40	46	0	0	0	0	15:10
17	35	50	40	30	14:41	47	0	0	0	0	15:11
18	30	25	20	20	14:42	48	0	0	0	0	15:12
19	20	20	15	15	14:43	49	0	0	0	0	15:13
20	15	10	10	10	14:44	50	0	0	0	0	15:14
21	15	5	5	5	14:45	51	0	0	0	0	15:15
22	5	5	0	0	14:46	52	0	0	0	0	15:16
23	5	5	5	0	14:47	53	0	0	0	0	15:17
24	0	0	0	0	14:48	54	0	0	0	0	15:18
25	0	0	0	0	14:49	55	0	0	0	0	15:19
26	0	0	0	0	14:50	56	0	0	0	0	15:20
27	0	0	0	0	14:51	57	0	0	0	0	15:21
28	0	0	0	0	14:52	58	0	0	0	0	15:22
29	0	0	0	0	14:53	59	0	0	0	0	15:23

Number of Readings: 240  
 Total of Readings: 3445  
 Average Reading: 14.35

Six (6) Minute Period  
 1432-1437

Number of Readings: 24  
 Total of Readings: 1325  
 Average Reading: 55.21

Fifteen (15) Minute Period  
 1427-1441

Number of Readings: 60  
 Total of Readings: 2870  
 Average Reading: 47.83



Project Number: M133207  
 Facility: Polygon Composites  
 Location: #3 Oven Stack  
 Date: 8/8/2013  
 Run #: 2  
 Time: 8:40

X	0	15	30	45	Notes	X	0	15	30	45	Notes
0	0	5	5	15	8:40	30	10	5	5	5	9:09
1	10	10	10	10	8:41	31	5	5	5	5	9:10
2	5	10	15	10	8:41	32	0	0	0	0	9:11
3	15	20	20	20	8:42	33	0	0	0	0	9:12
4	20	20	15	15	8:43	34	0	0	0	0	9:13
5	15	20	25	25	8:44	35	0	0	0	0	9:14
6	20	15	20	25	8:45	36	0	0	0	0	9:15
7	25	30	30	25	8:46	37	0	0	0	0	9:16
8	25	30	25	25	8:47	38	0	0	0	0	9:17
9	35	25	25	35	8:48	39	0	0	0	0	9:18
10	25	25	30	25	8:49	40	0	0	0	0	9:19
11	30	25	20	25	8:50	41	0	0	0	0	9:20
12	30	30	40	40	8:51	42	0	0	0	0	9:21
13	45	30	35	45	8:52	43	0	0	0	0	9:22
14	55	50	45	40	8:53	44	0	0	0	0	9:23
15	35	45	50	45	8:54	45	0	0	0	0	9:24
16	50	50	50	45	8:55	46	0	0	0	0	9:25
17	50	45	50	50	8:56	47	0	0	0	0	9:26
18	50	50	50	60	8:57	48	0	0	0	0	9:27
19	35	50	45	50	8:58	49	0	0	0	0	9:28
20	45	45	50	35	8:59	50	0	0	0	0	9:29
21	25	30	25	25	9:00	51	0	0	0	0	9:30
22	25	30	35	30	9:01	52	0	0	0	0	9:31
23	25	20	25	35	9:02	53	0	0	0	0	9:32
24	30	25	25	20	9:03	54	0	0	0	0	9:33
25	25	25	20	20	9:04	55	0	0	0	0	9:34
26	25	20	20	20	9:05	56	0	0	0	0	9:35
27	20	15	15	15	9:06	57	0	0	0	0	9:36
28	15	10	10	10	9:07	58	0	0	0	0	9:37
29	10	10	5	5	9:08	59	0	0	0	0	9:38

Number of Readings: 240  
 Total of Readings: 3360  
 Average Reading: 14.00

Six (6) Minute Period

0853-0858

Number of Readings: 24  
 Total of Readings: 1145  
 Average Reading: 47.71

Fifteen (15) Minute Period

0848-0902

Number of Readings: 60  
 Total of Readings: 2270  
 Average Reading: 37.83

## CERTIFICATE OF MAILING

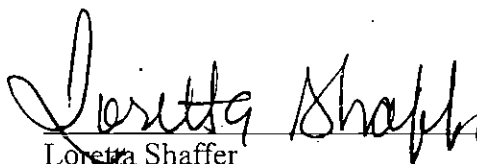
I, Loretta Shaffer, certify that I sent a Notice of Violation, EPA-5-13-IN-14, by Certified Mail, Return Receipt Requested, to:

Gerry McCoige  
Facilities Manager  
Polygon Company  
103 Industrial Park Drive  
Walkerton, Indiana 46574

I also certify that I sent a copy of the Notice of Violation, EPA-5-13-IN-14, by First Class Mail to:

Phil Perry, Chief  
Compliance and Enforcement Branch  
Office of Air Quality  
Indiana Department of Environmental Management  
100 North Senate Avenue, room IOCN 1003  
Indianapolis, Indiana 46206-6015

on the 27<sup>th</sup> day of September 2013.



Loretta Shaffer  
Administrative Program Assistant  
AECAB, PAS Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5787